

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WESTERN SECTION
CIVIL ACTION
NO.: 04-30035-KPN

KEVIN BALENO and PATRICIA
SCUTARI,

Plaintiffs

v.

OFFICER CHARLES RICKO,
CHIEF EDWARD CHASE,
and the TOWN OF WENDELL,

Defendants

Affidavit of Caroline Carrithers

I, *Caroline Carrithers* , do hereby swear and affirm that the following is true and correct:

1. I am counsel for the plaintiffs in the above encaptioned case.
2. I did not learn until May 2004 that the Town of Wendell was not accepting notice of service for defendant Rick because he was no longer employed there.
3. I was unable to affect service during May because I was preparing for a trial that began June 8, 2004, and ended June 14, 2004.
4. I have been diagnosed with adult-onset diabetes which severely restricts the number of hours that I am able to work on any given day.

DATED: July 13, 2004

Signed under pain and penalty of perjury

Caroline Carrithers
17 South Street
Ashfield, Massachusetts 01331
413 628-4058

CERTIFICATE OF SERVICE

This will certify that this document was served upon counsel for defendants Jonathan R. Silverstein, Kopelman & Paige, PC, 31 St. James Avenue, 7th. Floor, Boston, Massachusetts 02116, by first class mail on July 13, 2004.

Caroline Carrithers